

### REMARKS

In response to the Office Action dated December 28, 2004, Applicants respectfully request reconsideration based on the following amendments and remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Claims 1-19 are pending. Claims 1-19 have been rejected. Claims 1, 9 and 14 are independent claims from which claims 2-8, 10-11, and 15-19 respectively depend. Claims 1, 3, 9, 14 and 16 have been amended. Claims 3 and 16 were amended solely to clarify the subject matter which Applicants regard as the invention. Support for the amendments can be found on page 13 lines 8-30 and elsewhere in the application as filed.

Applicant thanks the Examiner for the telephone interviews held on January 11 and January 18, 2005. Attached herewith is an Interview Summary.

#### Objection to Specification

The Examiner objected to the abstract of the disclosure submitted with Applicants' response of September 3, 2004 for failing to commence on a separate sheet. The Examiner agreed to withdraw this objection because the Abstract *was* submitted on a separate sheet in the response of September 3, 2004.

#### 112 Rejections

Claims 1-19 were rejected under 35 USC 112, first paragraph, for failing to comply with the written description requirement. Claims 1, 9 and 14, from which claims 2-8, 10-13 and 15-19 depend, have been amended. Claims 14-19 were rejected under 35 USC 112, second paragraph for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Examiners indicated that claim 14 "is confusing because it implies that all calls from the first telephone station to the second telephone station will be disconnected regardless of the caller on the first telephone station blocking or not blocking their identity. That is, the invention as understood by the examiner, works only when the caller on the first telephone chooses to block their identity...)" Applicants respectfully submit that the invention as described in the application and as claimed is not limited to blocked or unblocked calls. Applicants respectfully request the withdrawal of these rejections.

#### 103 Rejections

Claims 1-19 have been rejected under 35 USC 103(a) as being unpatentable over Stevens et al. Applicant respectfully submits that this rejection is improper because a *prima facie* case of obviousness has not been demonstrated.

FIG. 1 illustrates a telecommunications environment in which a caller detection of privacy screening service may be implemented. When a subscriber to a caller detection of privacy screening service at telephone station 101 places a call to a called party at telephone station 105, an off-hook delay trigger may be activated and the call suspended. A query may be sent to SCP 107 asking for directions as to how the call should be completed. SCP 107 may look up the called party's telephone directory number in its database 107a to see if the called party's telephone number is associated with a privacy screening service. If the called party is associated with a privacy screening service, SCP 107 may send a message to SSP 103 instructing SSP 103 to disconnect the call (*i.e.*, before charges associated with connecting the call are accrued). SCP 107 may also send SSP 103 information to be included on a billing record sent to billing system 120. The billing record may indicate that the caller detection of privacy screening service detected that a subscriber to caller detection of privacy screening has attempted to place a call to a subscriber to a privacy screening service and may bill these calls at a specified rate to the subscriber to caller detection of privacy service.

Amended claim 1, for example, recites:

A method for detecting a call made to a telephone station associated with a privacy screening service routed from a first telephone station to a second telephone station via a switching network, comprising:

intercepting a call from a first telephone station, *the first telephone station associated with a subscriber to a caller detection of privacy screening service*, the call directed to a second telephone station;

determining if the second telephone station requires identification of the first telephone station for completion of the call; and

in response to determining that the second telephone station requires identification of the first telephone station for completion of the call, disconnecting the call *before a charge accrues to the first telephone station*.

(emphasis added).

Stevens does not disclose or suggest at least the italicized features of Applicant's amended claim 1. The Stevens reference is directed to a method of avoiding unwanted calls by notifying a calling party that a fee will be charged for a connection to be established with a

called party. (Stevens, column 3, lines 22-25). The calling party then enters a response indicating that the calling party declines or accepts the charge (Stevens, column 3, lines 34-40). Hence, Stevens does not disclose or suggest at least a subscriber to a caller detection of privacy screening service or that the call is disconnected *before a charge accrues to the first telephone station*.

Applicants note that the Examiner has addressed the feature "the first telephone station is associated with a subscriber to a caller detection of privacy screening service". Specifically, the Examiner states that "Stevens et al does not specifically teach that the caller on 'the first telephone station is associated with a subscriber to a caller detection of privacy screening service.'" Applicants agree. However, Applicants disagree that, as stated on page 5 of the Official Action, "That is, in Stevens, the caller (i.e., telemarketer) who is making 'annoying' calls (col. 5, lines 55-67) would obviously not want to pay for a call that will be considered "unwanted" by the called party who subscribers [*sic.*] to a 'privacy screening service'. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to desire to subscribe to a service that would detect that the called party subscribers [*sic.*] to the privacy screening feature and then for the calling party (telemarketer) to not want to pay for the call, and therefore would want that call disconnected."

Applicants respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness. Impermissible hindsight was used to modify the teachings of Stevens to arrive at the claimed invention. The Examiner has identified no suggestion in the prior art of the desirability of the combination proposed. Indeed, the only document of record in this prosecution which suggests the desirability of the combination proposed by the Examiner is the Applicants' specification.

Furthermore, "[t]he level of skill in the art cannot be relied upon to provide the suggestion to combine references. *Al-Site Corp v. VSI Int'l Inc*, 174 F.3d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999)." MPEP 2143.01 "The proposed modification cannot render the prior art unsatisfactory for its intended purpose. If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification." MPEP 2143.01. In Stevens, when a calling party initiates a call to the called party, a subscriber to a screening service of

the Stevens patent, the calling party PSN is compared to a list of authorized callers for that subscriber. If the calling part is not an authorized caller, the calling party is informed that a cost will be assessed to his account to complete the connection. (Stevens, column 3, lines 1-25), so that the called party can receive a charge for making the call. Disconnecting the call *before a charge accrues* to the calling party, as recited by Applicants' amended claim 1, would render the Stevens screening service inoperable, that is, there would be no way for the calling party to be charged. Hence Applicants respectfully submit that modifying Stevens as suggested by the Examiner would "render the prior art unsatisfactory for its intended purpose" and does not render the claims *prima facie* obvious.

Furthermore, "[t]he proposed modification cannot change the principle of operation of a reference. If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious." MPEP 2143.01. The principle of operation of Stevens would have to be modified to disconnect the call before a charge accrues, as recited by Applicants' amended claim 1, instead of informing the calling party that a cost will be assessed to his account to complete the connection. Hence Applicants respectfully submit that modifying Stevens as suggested by the Examiner would "change the principle of operation" of the Stevens reference and therefore does not render the claims *prima facie* obvious.

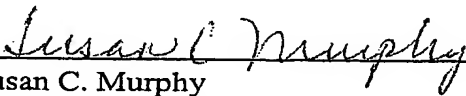
Amended claims 9 and 14 include analogous features. Thus, Applicants respectfully submit that amended claims 1, 9 and 14 and the claims that depend therefrom are not obvious over Stevens and request the withdrawal of the 103 rejections of these claims.

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PATENT

In view of the above amendments and remarks, Applicants respectfully submit that the present application is in condition for allowance. Reconsideration of the application and an early Notice of Allowance are respectfully requested.

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